

Commenter	#	Comment	Response	Action Taken
<b>Comments received from the United States Environmental Protection Agency (USEPA) on October 10, 2014</b>				
USEPA	1	<b>Chronic Toxicity</b>  USEPA strongly supports the proposed numeric WQBELs for chronic toxicity.	We thank the USEPA for their comments in support of the tentative permit.	None necessary.
<b>Late comments, received from the Heal the Bay on October 14, 2014, will not be included in the agenda package.</b>				
<b>Comments received (as Attachment C) from Joint Outfall System on October 10, 2014 (General Technical Comments)</b>				
JOS	C-1	"The TST approach does not result in changes to EPA's WET test methods promulgated at Title 40 of the Code of Federal Regulations Part 136." <sup>11</sup>  <sup>11</sup> U.S. EPA. National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document. EPA-833-R-10-004 (June, 2010) pg. ii on the Disclaimer.	The TST approach is not a change to the WET Test Methods. The labs still conduct the same biological test methods using the same organisms, the same food, the same testing procedures and the same test acceptability criteria. For a more thorough response, refer to responses to Comments JOS 1, A-2, and S-2A Part 1.	None necessary.
JOS	C-2	"Once the WET test has been conducted ( <b><i>using multiple effluent concentrations and other requirements as specified in the WET test methods</i></b> ), the TST approach can be used to analyze valid WET test results to assess whether the effluent discharge is toxic." <sup>12</sup> [Emphasis added] <sup>12</sup> U.S. EPA. National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document. EPA-833-R-10-004 (June, 2010) pg. xi.	The next sentence from the referenced source is "The TST approach is designed to be used for a two concentration data analysis of the IWC or a receiving water concentration (RWC) as compared to a control concentration." The sentence referenced by the Permittee is not requiring that a multi-effluent concentration test be used. In addition, USEPA specifically approved the use of a two-concentration test method in California.  For additional response, refer to Comments JOS 1 – JOS 3, A-2, A-6, B-1, S-1, and S-2A Part 1.	None necessary.

Commenter	#	Comment	Response	Action Taken
JOS	C-3	<p>"This document presents TST as a useful alternative data analysis approach for <b>valid</b> WET test data that may be used <b>in</b> addition to the approaches currently recommended in EPA's Technical Support Document (USEPA 1991) and EPA's WET test method manuals."<sup>13</sup></p> <p><sup>13</sup> U.S. EPA. National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document. EPA-833-R-10-004 (June, 2010) pg. 7.</p>	Assuming that the comment has to do with the validity of WET test data for a two-concentration test, refer to the test acceptability criteria and QA/QC measures discussed in JOS-2.	None necessary.
JOS	C-4	<p>"The TST approach is an alternative statistical approach for analyzing and interpreting valid WET data; it is not an alternative approach to developing NPDES permit WET limitations. Using the TST approach does not result in any changes to EPA's WET test methods."<sup>14</sup></p> <p><sup>14</sup> U.S. EPA. National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document. EPA-833-R-10-004 (June, 2010) pg. 60.</p>	<p>Refer to the response for C-1 above.</p> <p>The document referenced by the commenter also clarifies at pg. 62-63 that "[u]sing the TST approach, WET NPDES permit limits would be expressed as <i>no significant toxicity of the effluent at the IWC using the TST analysis approach.</i>"</p>	None necessary.
JOS	C-5	<p>"Step I: Conduct WET test following procedures in the appropriate EPA WET test method manual. This includes following all test requirements specified in the method (USEPA 1995 for chronic West Coast marine methods, USEPA 2002a for chronic freshwater WET methods, USEPA 2002b for chronic East Coast marine WET methods, and USEPA 2002c for acute freshwater and marine methods)."<sup>15</sup></p> <p><sup>15</sup> U.S. EPA. National Pollutant Discharge Elimination System Test of Significant Toxicity Technical Document. EPA-833-R-10-004 (June, 2010) Appendix B, pg. B-3.</p>	Refer to responses to Comments C-1 and C-2.	None necessary.